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IAP7 Rec'd PCT/PTO 30 MAY 2006

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/510095
Filing Date	29 August 2002
First Named Inventor	Kia Silverbrook
Art Unit	
Examiner Name	
Attorney Docket Number	YU188NPUS

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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Remarks

Email: [kia.silverbrook@silverbrookresearch.com](mailto:kia.silverbrook@silverbrookresearch.com)

Telephone: 61-2-9818 6633

Facsimile : 61-2-9555 7762

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name			
Signature			
Printed name	Kia Silverbrook		
Date	February 28, 2006	Reg. No.	

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# **PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
YU188NPUS

First named inventor: Kia Silverbrook

Application No.: 10/510,095

Art Unit:

Filed: August 29, 2002

Examiner:

Title: Nozzle Guard for an Ink Jet Printhead

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (703) 872-9306

07/27/2006	CKHLOK	00000026	10510095
02	FC:1633		300.00 OP
03	FC:1633		500.00 OP
			200.00 OP
Refund-Ref:			
07/27/2006	CKHLOK	0000152914	
CHECK Refund Total:			\$40.00

Refund-Ref: 0000152915  
07/27/2006 CKHLOK  
CHECK Refund Total: \$30.00

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

## **APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

### **1. Petition fee**

- ☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1,530.00 (37 CFR 1.17(m))

### **2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 05/31/2006 JADD01 00000127 10510095

- ☐ has been paid previously on \_\_\_\_\_
- ☐ is enclosed herewith.

01 FC:1453  
02 FC:1999

1500.00 OP  
30.00 OP

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 07/27/2006 CKHLOK  
05/31/2006-JADD01 00000127 10510095  
02 FC:1999 -30.00 OP


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

### 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

 _____ Signature	February 28, 2006 _____ Date
Kia Silverbrook _____ Typed or printed name	_____ Registration Number, if applicable
393 Darling Street, Balmain, NSW 2041, Australia _____ Address	+61-2-9818-6633 _____ Telephone Number
_____ Address	

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name of person signing certificate



Attachment to:  
Form PTO/SB/64 (10-00)

USSN 10/510,095

STATEMENT OF UNINTENTIONAL DELAY

The Applicant respectfully submits that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137 (b) was unintentional.

The Applicant has never received a reply to its Request to Withdraw Abandonment dated May 4, 2005. However, on some of the Applicant's similarly filed applications (for example USSN 10/509,999) a Dismissed Petition was received in regard to the underpaid national phase filing fee. The Applicant is therefore now aware that for the current application, the national phase filing fee was also underpaid. The Applicant wishes to revive this application and submits that, at the time of filing this application, the Applicant was unaware that the basic national fee for a large entity had increased to \$1,110.00 and that he had underpaid the total national phase filing fee amount by \$30.00.

The Applicant now submits the missing required fee and respectfully requests that the petition to reinstate this application be granted.

A check is attached to cover the petition and the missing filing fee (\$30) amounting to \$1,530.00.

.....  
Kia Silverbrook

February 28, 2006



# 5  
PET

**SILVERBROOK RESEARCH Pty Ltd**

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PO Box 207 Balmain NSW 2041 Australia

Phone: +61 2 9818 6633 Fax: + 61 2 9555 7762

Email: info@silverbrookresearch.com

ACN 066 573 671

May 4, 2005

Commissioner of Patents and Trademarks

Mail Stop Petition

WASHINGTON DC 20231

USA

Attn: Barbara A Campbell

By Courier

Dear Sirs,

**United States Patent Application Serial No. 10/510,095**

**Inventors/Assignors: KIA SILVERBROOK**

**Assignee: SILVERBROOK RESEARCH PTY LTD**

**Our docket: YU188US**

We hereby petition to WITHDRAW HOLDING OF ABANDONMENT (in reply to Notification of Abandonment).

The Notice of Insufficient Basic National Fee Required mailed April 15, 2005, states that the Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)). The Applicant submits that a cheque in the amount of US\$ 1,080.00 was remitted to the USPTO.

The enclosed Declaration of my Patent Administrator, Leonie Frances News, confirms that the payment for the full U.S. Basic National Fee was included with the filing papers dated August 31, 2004.

We look forward to receiving favourable consideration of our petition in the near future.

Thank you for your assistance.

Yours faithfully

Kia Silverbrook

Silverbrook Research Pty Ltd

Encls: Declaration and copy of filing papers



Commonwealth of Australia  
Statutory Declarations Act 1959

STATUTORY DECLARATION

In the Matter of US Patent  
Application No. 10/510, 095  
In the Name of Kia Silverbrook

I, LEONIE FRANCES NEWS of 393 Darling Street, Balmain, New South Wales, 2041, Australia do solemnly and sincerely declare as follows:

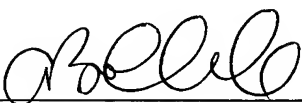
1. I am the Patent Administrator of Silverbrook Research Pty Ltd and have held this position since 1 September 1999.
2. I have responsibility for maintaining the file records of all applications filed at the United States Patent and Trademark Office ("USPTO") of Kia Silverbrook and Silverbrook Research Pty Ltd, including US Patent Application No. 10/510,095 ("*The Patent Application*").
3. I have searched through my file of the Patent Application and confirm that cheque No. 114364721 marked as Exhibit LFN-1 in the amount of US\$ 1,080.00 was sent to the USPTO along with the filing papers dated August 31, 2004, marked as Exhibit LFN-2.

And I make this solemn declaration aware of the penalties for false declarations under section 11 of the Statutory Declarations Act 1959 (Cwth of Australia).

Declared at Balmain Court House)  
Balmain, NSW, Australia )  
This 16<sup>th</sup> day of May 2005 )  
by Leonie Frances News )

  
\_\_\_\_\_  
Leonie Frances News

Before me: )

  
\_\_\_\_\_  
Justice of the Peace  
Of New South Wales  
JP 2001016725

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**Commonwealth Bank**

Commonwealth Bank of Australia

ABN 48 123 123 124

NOT OVER\*1,080\*DOLLARS

Branch BALMAIN LAN2 NSW

114364721

Date 30 September 2004

On Demand Pay to the Order of COMMISSIONER FOR PATENTS

United States Currency

The sum of ONETHOUSAND, EIGHTYDOLLARS\*\*\*\*\*  
\*\*\*\*\*USD\*\*\*\*\*1,080.00\*\*\*\*\*

To BANK OF AMERICA NA  
NEW YORK, NY

For Commonwealth Bank of Australia  
ABN 48 123 123 124

  
Manager

  
Accountant

THIS DRAFT CONTAINS A WATERMARK OF A PADLOCK AND KEY

⑈4364721⑈ ⑆066007681⑆ 6550101810⑈